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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 01-189-A)

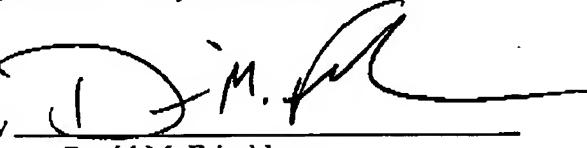
In the Application of: )  
 Benson et al. ) Before the Examiner  
 Serial No. 10/644,511 ) Basichas, Alfred  
 Filed: August 20, 2003 ) Group Art Unit: 3749  
 For: METHOD AND APPARATUS )  
 FOR HEATING A FURNACE )

Examiner Alfred Basichas  
 Art Unit 3749  
 Commissioner of Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

FACSIMILE TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached: Response To Office Action Mailed October 4, 2004 and copy of application transmittal letter.
2. NO FEE IS REQUIRED.
3. CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being facsimile transmitted to Examiner Alfred Basichas, Art Unit 3749, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 (fax no. 703-872-9306) on this 2<sup>nd</sup> day of November, 2004.

By   
 David M. Frischkorn  
 Reg. No. 32,833

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(Attorney Docket No. 01-189-A)**

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Examiner Alfred Basichas

Art Unit 3749

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION MAILED OCTOBER 4, 2004**

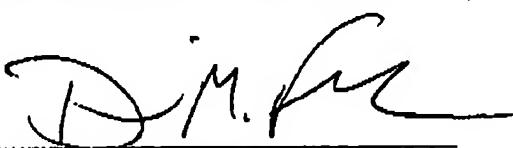
Responsive to the Office Action dated October 4, 2004, Applicant respectfully points out that the originally filed Transmittal Letter requested that claims 1-6 be cancelled. Please see the attached copy of the Transmittal Letter. Accordingly, the restriction requirement is moot. However, for the sake of expediting the prosecution, Applicants elect claims 7-15 for examination.

If further information is needed, please call Applicants' attorney directly at 312/913-2143.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: 11/2/04

By:   
 David M. Frischkorn  
 Reg. No. 32,833

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>		RECEIVED CENTRAL FAX CENTER
<i>Submit an original and a duplicate for fee processing (Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		
<b>ADDRESS TO:</b>  Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	NOV 02 2004	
	Attorney Docket No. 01-189-A	First Named Inventor Charles E. Benson
<b>APPLICATION ELEMENTS</b>		<b>ACCOMPANYING APPLICATION PARTS</b>
<p>1. <input checked="" type="checkbox"/> Transmittal Form with Fee</p> <p>2. <input checked="" type="checkbox"/> Specification (including claims and abstract) [Total Pages 21]</p> <p>3. <input checked="" type="checkbox"/> Drawings [Total Sheets 4]</p> <p>4. <input checked="" type="checkbox"/> Oath or Declaration [Total Pages 3]</p> <p>a. <input type="checkbox"/> Newly executed</p> <p>b. <input checked="" type="checkbox"/> Copy from prior application [Note Boxes 5 and 18 below]</p> <p>i. <input type="checkbox"/> <u>Deletion of Inventor(s)</u> signed statement attached deleting inventor(s) named in the prior application</p> <p>5. <input checked="" type="checkbox"/> Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</p> <p>6. <input type="checkbox"/> Computer Code Listing (See 1.96)</p> <p>a. <input type="checkbox"/> Microfiche Appendix</p> <p>b. <input type="checkbox"/> CD-Rom (in duplicate, with separate transmittal)</p> <p>7. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission</p> <p>a. <input type="checkbox"/> Computer Readable Copy</p> <p>b. <input type="checkbox"/> Paper Copy</p> <p>c. <input type="checkbox"/> Statement verifying above copies</p> <p>8. <input type="checkbox"/> Small Entity Status</p> <p><input type="checkbox"/> is claimed</p> <p><input type="checkbox"/> Statement filed in prior application; status still proper and desired</p> <p><input type="checkbox"/> is no longer claimed.</p>		<p>9. <input type="checkbox"/> Assignment Papers</p> <p>10. <input checked="" type="checkbox"/> Power of Attorney</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)</p> <p><input checked="" type="checkbox"/> PTO-1449 Form</p> <p><input checked="" type="checkbox"/> Copies of IDS Citations</p> <p>13. <input checked="" type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (Should be specifically itemized)</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s)</p> <p>16. <input checked="" type="checkbox"/> A Request for non-publication pursuant to 35 U.S.C. § 122(b)(2)(B)(i)</p> <p>17. <input checked="" type="checkbox"/> Other: Supplemental Information Disclosure Statement</p>
<p>18. <input checked="" type="checkbox"/> This is a CONTINUING APPLICATION. Please note the following:</p> <p>a. <input checked="" type="checkbox"/> This is a <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part of prior U.S. Patent Application Serial No. 09/907,793</p> <p>b. <input checked="" type="checkbox"/> Cancel in this application original claims 1-6 of the prior application before calculating the filing fee. (At least one claim must remain.)</p> <p>c. <input checked="" type="checkbox"/> Amend the specification by inserting before the first line the sentence: This is a <input type="checkbox"/> continuation <input checked="" type="checkbox"/> divisional <input type="checkbox"/> continuation-in-part of application Serial No. 09/907,793.</p> <p>d. <input type="checkbox"/> The prior application is assigned of record to</p>		

## UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 01-189-A

## APPLICATION FEES

BASIC FEE				\$ 750.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	9 -20 =	2	x \$18.00	\$ 0
Independent Claims	5 - 3 =	2	x \$84.00	\$ 168.00
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable			+\$280.00	\$
			Total of above calculations =	\$ 918.00
			Reduction by 50% for filing by small entity =	\$( )
<input type="checkbox"/> Assignment fee if applicable			+\$40.00	\$
			TOTAL =	\$ 918.00

19.  Please charge my Deposit Account No. 13-2490 in the amount of \$20.  A check in the amount of \$918.00 is enclosed.

21. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 13-2490:

- a.  Fees required under 37 CFR 1.16.
- b.  Fees required under 37 CFR 1.17.
- c.  Fees required under 37 CFR 1.18.

22. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.

## 23. CERTIFICATE OF MAILING

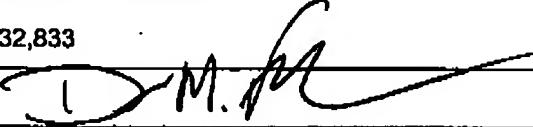
I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

## 24. USPTO CUSTOMER NUMBER

20306

McDonnell Boehnen Hulbert &amp; Berghoff

## 25. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name	David M. Frischkorn
Reg. No.	32,833
Signature	
Date	August 20, 2003

UTIL (Rev. 11/21/00)

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